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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jesse Sandoval
Serial No.: 09/820,477
Title: DATA PACKET CONGESTION MANAGEMENT TECHNIQUE
Filed: March 28, 2001
Attorney Docket No.: 99-413 / 1496.00062
Examiner: Levitan, D.
Art Unit: 2662

CERTIFICATE OF MAILING

I hereby certify that this letter, the response or amendment attached hereto are being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 13, 2005.

By: Jan M. Dunbar
Jan M. Dunbar

Interview Summary

Applicant's representative, John Ignatowski, contacted the Examiner, D. Levitan, via telephone on July 12, 2005 to discuss the Examiner's assertion in an Advisory issued June 1, 2005 stating "that the source of the 'implicit signal' is irrelevant to the claims." The last office action asserted that the "implicit signal" of the Lyon '917 reference was similar to a claimed identification signal.

Applicant's representative argued that the language of claim 1 "a test circuit configured to ... (v) present an identification signal to a sender..." specifically provides the test circuit as the source of the identification signal to the sender. The Examiner disagreed with the argument but would not elaborate any further.

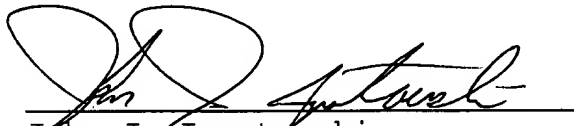
Applicant's representative requested that the Examiner identify the source(s) of the alleged motivations used to combine

the references in the 103 rejections. The Examiner stated that all of the motivations were based on common knowledge.

Applicant's representative and the Examiner discussed the possibility of amending the claims to achieve allowance instead of appealing. The Examiner noted that additional limitations on how the claimed identification signal is created may overcome the current art of record, but added that a new search would be necessary due to such limitations. (Upon further review after the interview, the application already claims various ways to create the identification signal and all have been rejected.) No agreement was reached. No further clarification was provided. No exhibits were shown.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



John J. Ignatowski
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Dated: July 13, 2005

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